

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:05-00228

MICHAEL LEE CARR

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER  
MEMORANDUM OPINION AND ORDER

On August 14, 2013, the United States of America appeared by Monica D. Coleman, Assistant United States Attorney, and the defendant, Michael Lee Carr, appeared in person and by his counsel, Mary Lou Newberger, Federal Public Defender, for a hearing on the petition on supervised release submitted by United States Probation Officer Patrick M. Fidler. The defendant commenced a four-year less one day term of supervised release in this action on May 16, 2013, as more fully set forth in the Supervised Release Revocation and Judgment order entered by the court on December 19, 2012.

The court heard the evidence, admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used and possessed opiates and methamphetamine as evidenced by a positive urine specimen submitted by him on May 20, 2013; (2) the defendant failed to follow the directions of the probation officer as set forth in Violation No. 2; (3) the defendant failed to appear for urine screens as instructed on May 29, June 5, 6, 10 and 21, 2013; (4) the defendant failed to appear for substance abuse counseling as directed on June 6 and 13, 2013; and (4) the defendant failed to abide by the special condition that he spend six months in a community confinement center inasmuch as he was directed to report to the SECOR community confinement center in Lebanon, Virginia, on June 19, 2013, and he did not do so, and failed to be in touch with the probation officer from that time until the filing of the petition on June 25, 2013; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

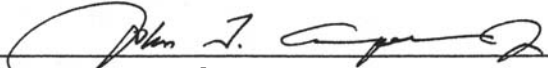
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of SIX (6) MONTHS, to be followed by a term of forty-two (42) months less one day of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime and the special condition that he spend a period of six months in a

fellowship home as outlined on the record of the hearing and follow the rules and regulations of the facility. The probation officer is directed to make every effort to coordinate the defendant's release from incarceration directly to the fellowship home with transportation to be provided by the defendant's mother if feasible.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: August 29, 2013

  
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John T. Copenhaver, Jr.  
United States District Judge